

REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 2 and 8 have been cancelled, while claim 1 has been amended to include the limitations of cancelled claims 2 and 8. Similarly, claims 15 and 21 have been cancelled, while claim 14 has been amended to include the limitations of cancelled claims 15 and 21.

Applicants believe that these changes should be entered in that claims 2, 8, 15 and 21, have each been examined by the Examiner, there being no need for additional search and/or consideration.

The Examiner has finally rejected claims 1-27 under 35 U.S.C. 102(b) as being anticipated by European Patent Application No. EP0913818 to Oonuki et al.

The Oonuki et al. patent discloses a magneto-optical recording medium, its reproducing method and reproducer, in which a method for recording to and reading from a magneto-optical recording medium is described.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v.*

Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Examiner has indicated that the claim 1 limitations "obtaining said control information from a deviation of a clock signal, wherein said clock signal is recovered from said readout pulse, from a wobbled groove, or from embossed marks provided on said recording medium, or from any combination thereof, and wherein said control information is obtained from a deviation of a maximum value of a phase error of said recovered clock signal from a predetermined set value" is disclosed in Oonuki et al., and indicates paragraph [0062] therein for disclosing the recovering of the clock signal from readout pulses, and states "Oonuki explicitly teaches how a clock signal is used for controlling purposes (see para [0027] and para [0028])".

Applicants submit that while what the Examiner is stating is correct, this does not approach that which is claimed in claim 1. In particular, paragraphs [0027] - [0028] of Oonuki et al. state:

"[0027] In accordance with a sixth aspect of the present invention, there is provided a reproducing apparatus for magneto-optical recording media that is suitable for performing the reproduction method of the fourth aspect of the present invention. This reproducing apparatus comprises: a magnetic head that applies a reproducing magnetic field to the magneto-optical recording medium; an optical head that irradiates the magneto-optical recording medium with a reproducing light beam; a clock generating unit for generating a reproducing clock; and a control unit for controlling at least one of the magnetic head and optical head in accordance with the reproducing clock in order to pulse-modulate at least one of the reproducing magnetic field and the reproducing light

beam. The reproducing apparatus of the sixth aspect may further comprise: an optical head drive unit; a first synchronisation signal generating circuit for generating a first synchronisation signal for pulse-modulating the reproducing light beam in accordance with the reproducing clock; a magnetic head drive unit; and a second synchronisation signal generating circuit for generating a second synchronization signal for pulse-modulating the reproducing magnetic field in accordance with the reproducing clock; the magneto-optical recording medium being irradiated by the reproducing light beam which is pulse-modulated by the optical head drive unit being controlled by the first synchronisation signal and a magnetic field that is pulse-modulated by the magnetic head drive unit being controlled by the second synchronisation signal being applied to the magneto-optical recording medium.

[0028] In the reproducing method and reproducing apparatus of the present invention, the reproducing clock can be generated from a signal detected by the optical head (internal clock) or can be generated from a signal detected from pits, fine dock marks or wobble-shaped grooves formed in the magneto-optical recording medium (external clock). Also, in the reproducing apparatus of the present invention, information may be recorded by controlling the optical head and/or the magnetic head."

Applicants submit that while Oonuki et al. discloses that a clock signal may be recovered from pits on the record carrier, and that the size of the magnetic domain 21 may be controlled in dependence on the recovered clock, there is no disclosure in Oonuki et al. that the "control information is obtained from a deviation of a maximum value of a phase error of said recovered clock signal from a predetermined set value".

Hence, Applicants submit that the requirement of the CAFC in the Richardson case, i.e., "The identical invention must be shown in as complete detail as is contained in the ... claim.", is not met by Oonuki et al.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1, 3-7, 9-14, 16-20 and 22-27, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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